

# EXHIBIT E

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

CIVIL ACTION NO.: 1:17-cv-00854-TDS-LPA

REBECCA KOVALICH and  
SUZANNE NAGELSKI,

Plaintiffs,

vs.

PREFERRED PAIN MANAGEMENT  
& SPINE CARE, P.A., DR. DAVID  
SPIVEY, individually, and SHERRY  
SPIVEY, individually,

Defendants.

**DECLARATION OF SHERRY SPIVEY**

Under penalty of perjury as provided by law, the undersigned certifies pursuant to 28 U.S.C. § 1746 that the following statements are true and correct:

1. My name is Sherry Spivey. I am older than the age of legal majority, suffer from no legal disabilities, and am otherwise competent to give this declaration.

2. This declaration is freely and voluntarily given on my own behalf and is based upon my personal knowledge of the matters contained herein.

3. Between July 14, 2015 and July 29, 2015, I exchanged cell phone text messages with Suzanne Nagelski. A true and accurate copy (except for the added bates number, exhibit label, or CONFIDENTIAL marking) of the messages is attached to this Declaration as Exhibit

1.

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I swear and affirm under the penalties of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

FURTHER DECLARANT SAITH NOT.

Executed this 14<sup>th</sup> day of November, 2018.

  
SHERRY SPIVEY

4834-1978-5331, v. 1



**S. Spivey Declaration**

**Ex. 1**

**July 2015 Text**

**Messages between S.  
Spivey and S. Nagelski**

**FILED UNDER SEAL**